

want to amend requiring that it be done in 1972. This will be a substantive difference which we will enjoy at that time and the matter can be disposed of on the will of the majority of this Convention. But for me to go to '72 now in transitional provisions would be a departure from the decision already made earlier on Committee of the Whole action that we shall have redistricting for the 1979 statewide election.

THE PRESIDENT: Delegate Weidemeier.

DELEGATE WEIDEMEYER: The point I am trying to make in my question is this. You know and I know that the Supreme Court and all these people that want reapportionment are not going to stand for any reapportionment except reapportionment based on a census. The census will not come until 1970. It is impossible for the legislature to act until 1971 or 1972, after the new census. So they cannot provide for a new legislature until 1974, and for us to leave transitory provisions in one respect and constitutional provisions in another, seems to me wholly useless. We ought to provide, if at all, rather than constitutional provisions in the constitution itself, for districting after the census of 1970 and then we will be playing on safe ground based on the 1970 census. We are sure we always learn in court decisions, Supreme Court decisions and interpretations of those decisions, that it is going to be based on population figures actual and not prospective.

So, therefore, I say that we probably ought to strike this whole sentence rather than strike it in part and leave it up to either transitional provisions or come in with a new amendment to correct it.

DELEGATE GALLAGHER: You are really addressing yourself to the substantive argument of whether or not we shall have redistricting in 1970 prior to the time we have the federal census figures at hand, or shall wait until 1972 when we do. I am saying the Convention, the Committee of the Whole, has decided we shall redistrict in 1970 based upon such population figures as we are able to get. I think you are making an argument in advance of the time Delegate Boyer offers his amendment to the transitory provision requiring the redistricting to take place not in 1970 but in 1972.

THE PRESIDENT: Delegate Weidemeier.

DELEGATE WEIDEMEYER: The point I am trying to make is that your whole

presumption is on anticipation. I am trying to get away from false anticipation and get on a street of solid facts. I will say this, that if you get on a street of solid facts where the court cannot upset it, then we will remain a good constitution.

THE PRESIDENT: Is there any further discussion? Delegate Sosnowski.

DELEGATE SOSNOWSKI: I would like to ask a question to Delegate Gallagher.

THE PRESIDENT: Does Delegate Gallagher yield to another question?

DELEGATE GALLAGHER: Yes, sir.

THE PRESIDENT: Proceed, Delegate Sosnowski.

DELEGATE SOSNOWSKI: In the schedule of transitional provisions the statement here says "official determination of state population." Would that be 1960?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: Does it not have the further clause "as determined by the General Assembly"?

THE PRESIDENT: Delegate Sosnowski.

DELEGATE SOSNOWSKI: It does. "As prescribed by the General Assembly by law."

THE PRESIDENT: Delegate Gallagher, I think Delegate Sosnowski's question is directed to the use of the word "official". I think he is construing that as meaning federal census.

Delegate Gallagher.

DELEGATE GALLAGHER: If you are construing the word "official" in the transitory provisions to mean the federal decennial census figures and nothing else, that is too narrow a reading of that language. The word "official" as it has been interpreted thus far seems to me governmental, not necessarily federal government, but state government or local government as well.

The question of which official figures shall be used is left up to the General Assembly under the transitory provisions you have before you so I cannot answer you as to whether or not the General Assembly will decide to use a special federal census, which it has the right to do, to be taken in 1969, to use State Department of Planning's figures, which it has the right to do, or to use other state agencies' or counties' or municipalities' figures, or even possibly go back to 1960 and use these federal census figures. This is a determination which